

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JOSEPH ANDREW MIRARCHI,

Petitioner,

v.

RANDALL BRITTON,

Respondent.

Civil Action No. 08-225 Erie

MEMORANDUM ORDER

This habeas corpus action was received by the Clerk of Court on August 9, 2008.

The Magistrate Judge's Report and Recommendation [Doc. No. 3], filed on August 13, 2008, recommended that Petitioner's Petition be transferred to the Middle District of Pennsylvania and that the motion to appear pro hac vice [Doc. No. 2] be dismissed as moot. Plaintiff was allowed ten (10) days from the date of service to file objections and service was made on Petitioner by certified mail. No objections were filed. After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 9th day of September, 2008;

IT IS HEREBY ORDERED that Petitioner's Petition for Writ of Habeas Corpus is TRANSFERRED to the United States District Court for the Middle District of Pennsylvania. It is further ORDERED that the motion to appear pro hac vice [Doc. No. 2] is DISMISSED as moot.

The Report and Recommendation [Doc. No. 3] of Magistrate Judge Baxter, filed on August 13, 2008, is adopted as the opinion of the Court.

s/ Sean J. McLaughlin
United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge